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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,494	07/22/2003	Sadayoshi Kajino	116563	6339
25944	7590	07/12/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			PILKINGTON, JAMES	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/623,494		KAJINO ET AL.	
	Examiner		Art Unit	
	James Pilkington		3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/16/2996.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/22/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what the structural metes and bounds are of the term "caulking".

What does the term caulking mean? The lines cited by the applicant in the remarks filed on June 16, 2006 does not provide a clear explanation as to what the term caulking is being used to mean.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Imamura et al. (US Pat. 4,635,489).

Imamura et al. (US Pat. 4,635,489) discloses a starter motor 5 driven in response to supply of electric power for generating a rotational force transmitted to an armature; a planetary reduction gear device for reducing a rotational speed of said armature, said

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planetary reduction gear device comprising a sun gear 10 provided on a rotary shaft of said armature, planetary gears 16 meshing with said sun gear 10, and an internal gear (on inner surface of 19) meshing with said planetary gears 16; an output shaft 12, supported by a housing 3 and 15, said output shaft 12 connected to said armature via said planetary reduction gear device for outputting a reduced rotation of said armature; a pinion gear 34 provided on said output shaft 12 for selectively meshing with a ring gear of an engine; and a shock absorbing device (fig. 13-14) comprising a plurality of first friction plates 24, 26 each of which is provided stationarily to said housing 3 and 5 and a plurality of second friction plates 23, 25 each of which is provided stationarily to said internal gear (on inner surface of 19), and receiving a torque transmitted from said internal gear, wherein said plurality of first and second friction plates 23-26 are laminated with each other so as to be brought into frictional engagement when said first and second friction plates 23-26 are pressed by pressing means 27; thereby obtaining a predetermined frictional torque; said shock absorbing device comprises a transmitting section 19 interposed between said second friction plates and said internal gear; wherein said shock absorbing device is positioned next to said internal gear; wherein one end of said output shaft 12 is configured into a flange portion for supporting said planetary reduction gear device (figs. 13-14), and said shock absorbing device is disposed in a radially extending space defined between said flange portion and a housing 20 accommodating said flange portion wherein said first friction plates 24, 26 are engaged with an engaging portion of said housing 20, and said engaging portion of said housing extends in a direction along which said first and second friction plates are

laminated, wherein said second cylindrical portion has a caulking portion (cylindrical groove of 20) for fixedly supporting said pressing means 27.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura et al. (US Pat. 4,635,489).

Imamura et al. (US Pat. 4,635,489) discloses the claimed invention except for the friction plates being interposed between a radially inner portion of the transmitting section to a radially outer portion of the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have reversed the laminated friction connection between the transmitting section and the housing (via the friction plates), such that the contact between the plates and the housing would be radially outside the contact between the plates and the transmitting member such that the more stationarily fixtured housing could absorb the larger frictional area of the friction plates, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Re clm 7, Imamura discloses the second cylindrical portion has a caulking portion made by bending a front end (20a,e,f), for engaging the pressing means 27.

Response to Arguments

7. Applicant's arguments filed June 16, 2006 have been fully considered but they are not persuasive.

Applicant argues that Imamura does not disclose the first friction plates being provided stationarily to the housing and the second friction plates being provided stationarily to the internal gear.

The examiner disagrees because Imamura discloses that one set is stationary and the other set rotates. Imamura states that one friction plate rotates since it is attached to a "rotary disk" and the other is stationary as it is attached to a "stationary disk" (see C6/L22-59). Since the rotary disk rotates with the gear and the friction plate is disposed on the disk Imamura does disclose friction plates provide stationary to the gear. This arrangement also holds true for the plate that is stationary to the housing. Nowhere does Imamura state that the friction plates are free to rotate as applicant states he does. Imamura states that there is clearance between the outer peripheries of the plates and the inner periphery of the gear (C5/L57-62). This does not mean that the plates are free to rotate, it only means that the plates do not come in direct contact with the gear. In fact, if the plates where free to rotate it would not allow for a predetermined torque that is set by the frictional drag as stated by Imamura (C6/L45-52). If the plates where free to rotate it would not be possible to set the system for a predetermined torque as it would not be possible to control when the plates would slip with relation to one another or the disks.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

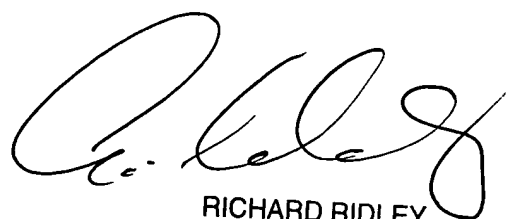
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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7/6/06



RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER